

1 STATE OF NEW HAMPSHIRE  
2 SITE EVALUATION COMMITTEE

3 December 1, 2008 - 10:15 a.m.  
4 21 South Fruit Street  
5 Suite 10, Room 103  
6 Concord, New Hampshire

7 In re: SITE EVALUATION COMMITTEE:  
8 Docket No. 2008-04: Public Hearing  
9 Regarding the Motion for Declaratory  
10 Ruling Regarding the Addition of a  
11 Cold Storage Building at the  
12 Granite Ridge Facility in  
13 Londonderry, New Hampshire.

13 PRESENT:	SITE EVALUATION COMMITTEE:
14 Thomas S. Burack, Cmsr.	Dept. of Environmental Services
15 (Chairman of SEC - Presiding Officer)	
16 Thomas B. Getz, Chrmn.	Public Utilities Commission
(Vice Chairman of SEC)	
17 Graham J. Morrison, Cmsr.	Public Utilities Commission
18 Clifton C. Below, Cmsr.	Public Utilities Commission
19 Harry T. Stewart, Dir.	DES - Water Division
Robert Scott, Dir.	Air Resources Division (DES)
20 George Bald, Cmsr.	Dept. of Resources & Econ. Dev.
Glenn Normandeau, Dir.	N.H. Fish & Game Department
21 Amy L. Ignatius, Dir.	Office of Energy & Planning
Randall Knepper	Public Utilities Commission

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23 COURT REPORTER: Steven E. Patnaude, LCR No. 52  
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2 ALSO PRESENT: Michael Iacopino, Esq.  
3 Counsel for the Committee  
4 Reptg. Granite Ridge Energy, LLC:  
Douglas L. Patch, Esq. (Orr & Reno)

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Statement by Mr. Patch

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MOTION by Cmsr. Bald re: waiver of  
90 days required in the rules

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SECOND by Cmsr. Morrison

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DISCUSSION OF THE MOTION:

Dir. Ignatius 8

VOTE ON MOTION 9

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PROCEEDINGS

CHAIRMAN BURACK: Good morning. We are going to resume the meeting of the State of New Hampshire Site Evaluation Committee here on December 1st. And, I want to take things again a little bit out of order, because we do have Attorney Patch here already, would like to move very quickly to our old business and consider docket number 2008-04, motion of Granite Ridge Energy, LLC for a declaratory ruling regarding the addition of a cold storage building at the Granite Ridge facility in Londonderry, New Hampshire.

I'm going to ask, in just a moment, ask Attorney Patch to provide us with a brief update from Granite Ridge Energy, LLC. But, before doing that, I will

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15 ask all of you to reintroduce themselves, because we're  
16 going to make a separate transcript for this portion of  
17 the hearing. Again, my name is Tom Burack, Commissioner  
18 of the Department of Environmental Services and serve as  
19 Chair of the Site Evaluation Committee. Would you  
20 introduce yourself, please. Director Normandeau.

21 DIR. NORMANDEAU: Glenn Normandeau,  
22 Director of Fish & Game.

23 CMSR. BALD: George Bald, with the  
24 Department of Resources & Economic Development.

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1 DIR. STEWART: Harry Stewart, Water  
2 Division Director, Department of Environmental Services.

3 DIR. SCOTT: Bob Scott, Director of the  
4 Air Resources Division, Department of Environmental  
5 Services.

6 CMSR. BELOW: Clifton Below, Public  
7 Utilities Commissioner.

8 VICE CHAIRMAN GETZ: Tom Getz, Chair of  
9 the Public Utilities Commission, Vice Chair of this  
10 Committee.

11 CMSR. MORRISON: Graham Morrison,  
12 Commissioner, Public Utility Commission.

13 MR. KNEPPER: Randy Knepper, with the  
14 New Hampshire Public Utilities Commission, acting as the  
15 engineer.

16 DIR. IGNATIUS: Amy Ignatius, from the  
17 Office of Energy & Planning.

18 CHAIRMAN BURACK: Thank you. And, to my  
19 immediate right is Attorney Michael Iacopino, who serves

20 as legal counsel to the Site Evaluation Committee on this  
21 matter. Attorney Patch.

22 MR. PATCH: Thank you, Mr. Chairman,  
23 members of the Committee. My name is Doug Patch. I'm  
24 appearing here on behalf of Granite Ridge Energy. And, I

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1 was asked to give a brief update of where things stand in  
2 terms of that storage facility that in our letter of July  
3 8th of this year we had requested that the Committee make  
4 a determination that this particular storage facility  
5 would not constitute a sizeable addition. And, so, --  
6 And, then, there was a hearing that the Committee had back  
7 in July where you had treated that like a Motion for  
8 Declaratory Ruling, and had asked that we work with the  
9 town and get back to you, and I apologize that we have not  
10 submitted anything to you as of this point in time.

11 To give you a brief update, we met with  
12 the Town Manager in September. And, after that, we have  
13 had some e-mail correspondence with the attorney for the  
14 Town, Mr. Upton. And, we are now at the point where we're  
15 trying to set up a conference call between the architect  
16 for this addition and some of the staff people for the  
17 town, just to clarify what building code requirements  
18 would apply to the new addition.

19 And, again, I apologize this hasn't  
20 moved faster, but it's just taken longer than we  
21 anticipated. As soon as we have done that, we would  
22 intend to get back to the Committee. And, obviously, it's  
23 our delay with this that has caused the Committee to go  
24 beyond the 90 days that it requires in the rules for the

1 issuance of a motion for declaratory ruling. So, clearly,  
2 the ball's in our court on that, and we appreciate the  
3 Committee's indulgence on this.

4 I'd be happy to answer any questions you  
5 might have about that. But I think that's pretty much an  
6 overview of where we are.

7 CHAIRMAN BURACK: Thank you. Are there  
8 questions for Attorney Patch? Commissioner Getz.

9 VICE CHAIRMAN GETZ: Well, I just had a  
10 procedural schedule for counsel about the 90 days. I  
11 mean, I think, at the hearing in July, we said that the 90  
12 days started of that hearing, if I recall correctly. I  
13 mean, I don't know if we need a specific waiver from the  
14 Petitioner, or if we just take the position that the 90  
15 days are tolled because we were expecting a response from  
16 them that we have yet to receive. And, you know, maybe  
17 one way of looking at this is the 90 days doesn't begin to  
18 run until they have essentially completed their petition.  
19 So, it's just that procedural observation.

20 MR. IACOPIANO: I would suggest that the  
21 Committee entertain a motion, a waiver of the 90 days on  
22 the basis that we have insufficient information from the  
23 Commissioner -- from the Company to permit us to consider  
24 the request in more detail. This particular item sort of

1 fell between when we didn't have rules and when we did  
2 have rules. And, that's why it's sort of in this posture,  
3 as far as what we're calling it. But, nonetheless, I

4 would suggest that the Committee entertain such a motion,  
5 just to keep the record clean.

6 Also, I think that Mr. Patch has  
7 admitted that the failure is on the part of the Company to  
8 provide us the information that they indicated they were  
9 going to provide at that hearing in July. And, it sounds  
10 as though they're working towards getting it, but it's  
11 just been slow going on the ground, so to speak.

12 CMSR. BALD: So moved.

13 CHAIRMAN BURACK: There's a motion. Is  
14 there a second to the motion?

15 CMSR. MORRISON: Second.

16 CHAIRMAN BURACK: Second by  
17 Mr. Morrison. Okay. Discussion of the motion?

18 DIR. IGNATIUS: I have a question.

19 CHAIRMAN BURACK: Director Ignatius.

20 DIR. IGNATIUS: Is the 90 day  
21 requirement only found in the rules, and not in the  
22 statute?

23 MR. IACOPINO: Yes. There is no  
24 reference to declaratory ruling process whatsoever in the

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1 statute. There's certainly lots of areas for us to decide  
2 we have to make some kind of rulings, but there is none.  
3 And, I believe it is Rule 202.15 that permits a waiver  
4 when it serves the public interest and will not disrupt  
5 the orderly and efficient resolution of matters before the  
6 Committee. And, that's Rule 202.15 in our rules, gives us  
7 authority to waive any portion of the rules.

8 CHAIRMAN BURACK: Any further  
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9 di scussi on?

10 (No verbal response)

11 CHAIRMAN BURACK: Hearing none, all in  
12 favor of the motion, please signify by saying "aye"?

13 (Multiple members indicating "aye".)

14 CHAIRMAN BURACK: Any opposed?

15 (No verbal response)

16 CHAIRMAN BURACK: Any abstentions?

17 (No verbal response)

18 CHAIRMAN BURACK: Okay. Thank you. The  
19 motion carriers.

20 MR. IACOPI NO: Mr. Chairman, I have one  
21 question for the Applicant. Mr. Patch, is it your  
22 understanding that you're going to come to some form of  
23 agreement, and in writing, with the Town of Londonderry,  
24 and provide that to us in order to complete your request

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1 for declaratory ruling? Because, I think as you know, we  
2 would like to probably see it in writing.

3 MR. PATCH: Yes. Okay. No, that's  
4 fine. I'll take that back to the client. I understand  
5 the Committee's desire to have that. I'm sure we can come  
6 up with something. Thank you.

7 CHAIRMAN BURACK: Very good. Is there  
8 anything further on this matter? If not, thank you very  
9 much, Mr. Patch.

10 MR. PATCH: Thank you.

11 (Whereupon the hearing ended at 10:29  
12 a.m.)

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